

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1-18 are being cancelled. New claims 19-30 are being added which correspond, respectively, to cancelled claims 1, 3, 5-7, 9, 11-13, 15, 17 and 18.

This amendment adds and deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 19-30 are now pending in this application.

Rejections under 35 U.S.C. §103

Claims 1-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,799,156 to Shavit et al. (hereafter "Shavit"). Insofar as these rejections can be applied to the claims as amended, applicants respectfully traverse these rejections for at least the following reasons.

Independent claim 19 comprises a supply chain system computer of an independent supply chain manager receiving data from a plurality of independent accommodation outlets of an accommodation franchise supply chain utilizing a network, the data comprising to the completed sale amounts of accommodation products and services by the independent accommodation outlets which completed sale amounts are not generated by sales via the network, each of the independent accommodation outlets utilizing at least one associated independent accommodation distributor and independent accommodation supplier, and wherein the data is provided at the sole discretion of the respective independent accommodation outlet; a supply chain computer parsing the data from a plurality of the independent accommodation outlets by the at least one independent accommodation distributor and the at least one independent accommodation supplier associated with the independent accommodation outlet supplying the data; generating an electronic order form based on the parsed data for ordering accommodation products and services from the at least

one independent accommodation distributor associated with respective independent accommodation outlets supplying the data of the accommodation supply chain; transmitting the parsed data to the independent accommodation distributor associated with the independent accommodation outlet from which the data was received of the accommodation franchise supply chain utilizing the network; transmitting the parsed data to the independent accommodation supplier associated with the accommodation outlet from which the data was received of the accommodation franchise supply chain utilizing the network; the supply chain system computer of the independent supply chain manager forecasting aggregated activity in the accommodation supply chain utilizing the data; sending the electronic order form to the at least one independent accommodation distributor associated with the independent accommodation outlet from which the data was received; and the supply chain computer of the independent supply chain manager providing electronic access via the network to the forecast to the at least one independent accommodation distributor and the at least one independent accommodation supplier associated with the independent accommodation outlet from which the data was received only after identity verification.

These limitations in new claim 19 focus on the fact that each of the recited plurality of accommodation outlets is independent from the others and is using an independent supply chain system to provide its accommodation outlet products and services. In such a scenario, the independent accommodation outlet has no obligation to provide its sales data, i.e., such provision is voluntary. Likewise, the distributors and suppliers are independent. Thus, none of these supply chain participants has the ability to get the data necessary in real time, and aggregate that data to generate orders for re-supply. Moreover, this independence removes the ability to do demand forecasting at the distributor and supplier supply chain levels. Additionally, this situation is in the context of a need for constant real time re-supply to individual independent accommodation outlets. The key to the solution to this problem is the use of an independent supply chain manager who receives at his computer the POS data for the independent accommodations outlets. This data is then parsed from a plurality of independent accommodation outlets by the at least one independent accommodation distributor and the at least one independent accommodation supplier associated with the independent accommodation outlet supplying the data. The parsed data is then transmitted to

the appropriate independent accommodation distributors and independent accommodation suppliers based on association with the independent accommodation outlets supplying the data. The supply chain system computer of the independent supply chain manager forecasts aggregated activity in the accommodation supply chain utilizing the data, and access is electronically provided to the forecast to the appropriate independent accommodation distributor and independent accommodation supplier and unify the disparate independent players in the supply chain.

Shavit does not disclose or suggest the receipt of POS data from accommodation outlets where the sales are not generated by sales via the Shavit network, much less the parsing of the POS data to match data from a particular accommodation outlet to its selected accommodation distributor and accommodation supplier. Rather, Shavit is directed at facilitating direct communications between buyers and sellers, some of whom may be distributors and suppliers. Shavit not only does not receive POS data from sales not generated on its network, but cannot generate an electronic order form based on the data. Order entry as described at column 6, line 34, means just that—entry of an order. It does not mean the preparation of an electronic order in response to the POS data. Also, without the receipt of POS data from sales not generated on its network, such data cannot be transmitted by the system to the appropriate accommodation distributor or the appropriate accommodation supplier. Shavit does make reference to generic forecasting at column 7, line 19, but there is, and could be no disclosure of forecasting based on POS data from sales not generated on its network, since Shavit never receives such data. Accordingly, multiple steps are missing from Shavit. Finally, and importantly, Shavit does not disclose the concept of an independent supply chain manager performing the operations listed in the claims.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.


The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.


The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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